

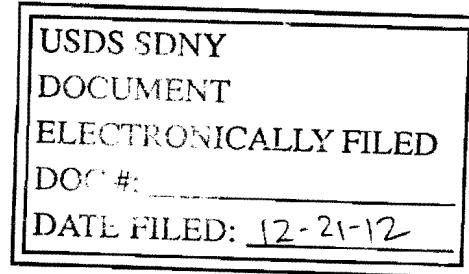
MEMO ENCLOSED

WILMERHALE

December 19, 2012

By Email

Hon. Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl St.
New York, NY 10007-1312



Robert J. Gunther, Jr.

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Re: Enzo Biochem, Inc., et al. v. PerkinElmer, Inc., et al. (No. 03 Civ 3817)
Roche Diagnostics GmbH et al. v. Enzo Biochem, Inc. et al. (No. 04 Civ 4046)

Dear Judge Sullivan:

This letter is submitted jointly on behalf of Roche Diagnostics GmbH, Roche Molecular Systems, Inc., PerkinElmer, Inc. and PerkinElmer Life Sciences, Inc. Please accept this letter as an application for an order sealing the following documents, which will be filed on Friday, December 21, 2012, in connection with the defendants' and/or declaratory judgment plaintiffs' motions for summary judgment on non-patent issues and related defenses:

- Memorandum In Support Of Roche's Motion For Summary Judgment On Non-Patent Issues And Related Defenses;
- Declaration of Robert J. Gunther, Jr. In Support of Roche's Motion For Summary Judgment On Non-Patent Issues And Related Defenses, and exhibits thereto;
- Roche's Statement Pursuant to Local Rule 56.1;
- Memorandum In Support Of PerkinElmer, Inc. And PerkinElmer Life Sciences, Inc.'s Motion For Summary Judgment On Non-Patent Issues And Related Defenses;
- Declaration of Omar A. Khan In Support Of PerkinElmer, Inc. And PerkinElmer Life Sciences, Inc.'s Motion For Summary Judgment On Non-Patent Issues And Related Defenses, and exhibits thereto; and
- PerkinElmer, Inc. And PerkinElmer Life Sciences, Inc.'s Statement Pursuant To Local Rule 56.1.

Those documents contain highly confidential information that is covered under (1) the confidentiality provisions of certain distributor agreements between the parties, and/or (2) the protective orders in the above-referenced actions.

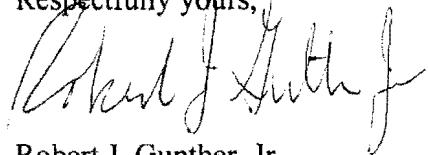
The Court granted similar applications in connection with the defendants' and/or declaratory judgment plaintiffs' joint motion for summary judgment on patent issues. *See, e.g., Enzo Biochem, Inc., et al v. Amersham PLC, et al. 02-cv-08448 (S.D.N.Y.), Dkt. Nos. 255, 263.* The Court (per the Honorable John Sprizzo) also granted similar applications in connection with the

December 19, 2012

defendants' and/or declaratory judgment plaintiffs' previous joint motions for summary judgment. See e.g., *id.*, Dkt. No. 172.

Thank you for your consideration.

Respectfully yours,



Robert J. Gunther, Jr.

cc: Counsel of Record

SO ORDERED
Date: 12/20/12
RICHARD J. SULLIVAN
U.S.D.J.

